

Chairman Vap called the regularly scheduled meeting to order at 10:05 a.m. with Commissioners Boyle, Lowell Johnson, Landis and Vap present and Commissioner Rod Johnson excused at the beginning of the meeting.

GENERAL ADMINISTRATION

Notice was duly published October 26, 2004, on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held Wednesday, November 3, 2004, at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

Wednesday, November 3, 2004:

NUSF-2 Commission Hearing Room, Lincoln.
1:30 In the Matter of the Commission, on its own Motion, seeking to establish guidelines for the administration of the Nebraska Telephone Assistance Program. Commissioner Landis will preside as Hearing Officer.

Thursday, November 4, 2004:

C-3204 Commission Hearing Room, Lincoln.
10:00 In the Matter of Sprint Communications, L.P., Overland Park, Kansas, seeking approval of an amendment to its Certificate of Public Convenience and Necessity to provide local exchange telecommunications service in all exchanges within the State of Nebraska in which Sprint is not currently certificated. Commissioner Landis will preside as Hearing Officer.

Monday, November 8, 2004:

Rule and Commission Hearing Room, Lincoln. Workshop.
Regulation In the Matter of the Commission, on its own motion, seeking
#157A to amend Title 291, Chapter 9, Natural Gas and Pipeline
1:30 Rules and Regulations, to adopt rules in accordance with
Nebraska Legislative Bill 790 [2003]. Commissioner Rod Johnson will preside as Hearing Officer.

COMMUNICATIONS DEPARTMENT

Commissioner Rod Johnson entered the Commission Hearing Room.

Cheryl Elton informed the Commission of the complaints received in the preceding month.

COMMUNICATIONS DEPARTMENT (Cont.)

AD-312r In the Matter of CUNA Mutual Group, Waverly, Iowa, seeking to connect an automatic dialing-announcing device: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

C-3204 In the Matter of Sprint Communications, L.P., Overland Park, Kansas, seeking approval of an amendment to its Certificate of Public Convenience and Necessity to provide local exchange telecommunications service in all exchanges within the State of Nebraska in which Sprint is not currently certificated: John Burvainis informed the Commission that a Hearing Officer's Order was entered on October 28, 2004. Commissioner Landis will preside as Hearing Officer.

C-3233/
PI-84 In the Matter of the Petition of Chase 3000 Inc., Imperial; Skybeam, Scottsbluff; McCookNet Internet Service, McCook; AxtellTech, Axtell; and Facspro Infotech Consulting, LLC, Brady, for Commission Rulemaking: Shana Knutson informed the Commission that an appeal had been filed in District Court. Commissioner Vap will preside as Hearing Officer.

C-3256/
PI-87 In the Matter of the Commission, on its own motion, seeking comment on the request by United Way of the Midlands to be assigned the use of "211" in Scotts Bluff County for access to First Call for Help (FCFH), a comprehensive information and referral service: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE. Commissioner Vap will preside as Hearing Officer.

C-3258 In the Matter of Startec Global Licensing Company, Potomac, Maryland, seeking a Certificate of Public Convenience and Necessity to transact the business of a reseller of interexchange telecommunications services and for approval of its initial tariff: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

C-3264 In the Matter of Teligent Services, Inc., Herndon, Virginia, seeking approval to transfer its Nebraska customer assets to Startec Global Licensing Company, Potomac, Maryland: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3267 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of its Amendment to the Wireline Interconnection Agreement with New Access Communications, LLC, Minneapolis, Minnesota, previously granted in Application C-2563: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

C-3268 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of its Amendment to the Wireline Interconnection Agreement with DIECA Communications, Inc., d/b/a Covad Communications Company, Santa Clara, California, previously granted in Application C-2325: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

C-3272 In the Matter of Alltel Communications, Inc., Little Rock, Arkansas, seeking approval of its Interconnection and Service Resale Agreement with Qwest Corporation, Denver, Colorado: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

John Burvainis informed the Commission that information had been received from Frontier on which exchanges had DSL available.

John Burvainis advised the Commission that Don Gray would be attending the North American Numbering Council meeting and would be suggesting a change to their guidelines to assist in the conservation of numbering resources. Don will provide a report on the meeting to the Commission next week.

E-2053 In the Matter of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain electric transmission lines in Scotts Bluff County: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

E-2054 In the Matter of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain electric transmission lines in Gage and Lancaster Counties: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

E-2055 In the Matter of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Lancaster County: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

UNIVERSAL SERVICE FUND

NUSF-9 In the Matter of K & M Telephone Company, Chambers, seeking authority to waive the requirement in the Opinion and Findings in Docket No. C-1628 for rural companies to transition local business rates to the targets in four years: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to grant an order to close this proceeding. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

NUSF-26 In the Matter of the Commission, on its own motion, seeking to establish a long-term universal service funding mechanism: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an order establishing a permanent mechanism. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE, Commissioner Anne Boyle Present Not Voting.

Jeff Pursley reported on Late-Filed Carrier Remittances: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to grant the request by Easton Telecom for a one-time waiver of late-fees and administrative fines for the data periods of 4th Quarter, 2001 thru 3rd Quarter, 2004 and, that the current Complaint NUSF-37.32 against Z-Tel be amended to include the September, 2004 late-filed worksheet. Additionally, the letter from Brooks, Pansing Law Offices, requesting a dismissal of Complaints NUSF-37.43 against Budget Call Long Distance and NUSF-37.44 against Global Crossing Telecommunications be granted. However, a late-fee of \$100.00 be levied against Global Crossing and Budget Call Long Distance for the June, 2004 data period. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

NUSF-2 In the Matter of the Commission, on its own Motion, seeking to establish guidelines for the administration of the Nebraska Telephone Assistance Program: The telephone bridge established for the hearing scheduled November 3, 2004 at 1:30 p.m. in the Commission Hearing Room is 1-888-390-0570, Access Code 9055354.

UNIVERSAL SERVICE FUND (Cont.)

NUSF-26 In the Matter of the Commission, on its own motion, seeking to establish a long-term universal service funding mechanism: Jeff Pursley informed the Commission that Gary Witt, Legal Counsel to AT&T, has filed a notice of withdrawal as a party in this docket.

NUSF-33/ In the Matter of the Commission, on its own motion, seeking
PI-68 to investigate the audit requirements related to the
Nebraska Universal Service Fund: Jeff Pursley informed the Commission that Gary Witt, Legal Counsel to AT&T, has filed a notice of withdrawal as a party in this docket.

E911 DEPARTMENT

PSAP-013.1 In the Matter of Keith County, Ogallala, seeking approval of funding for recurring and non-recurring costs associated with implementation of Wireless E-911: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

PSAP-030.1 In the Matter of Box Butte County, Alliance, seeking funding approval for recurring and non-recurring costs of wireless E911 implementation: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

Laura Demman provided a report on the number and nature of natural gas consumer inquiries and complaints received during the previous month.

Laura Demman informed the Commissioners that on November 1, 2004, Aquila filed revisions to its tariff to be effective December 1, 2004.

LEGISLATIVE REPORT

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis to approve the following legislative agenda. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

LEGISLATIVE REPORT (Cont.)

Gas: Extend deadline for quarterly assessments, and increase cap on investigative surcharge to conform with budget request.

Transportation: Require criminal background check for drivers, as LB 532 (2003) would have required.

Housing: Add civil penalty enforcement authority for violations of Nebraska Uniform Standards for Modular Housing Units Act.

Grain: LB 946 and LB 992 (2004) which did not advance from committee.

E-911 Wireless: Allow for Commission to receive grant monies

Administrative: Clarify Commission's power to revoke and suspend certificates of authority.

TRANSPORTATION DEPARTMENT

Rate Division

BR-297 In the Matter of the National Arbor Day Foundation, Nebraska City, seeking to amend its van rate: Motion was made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to grant the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

TR-138 In the Matter of Safeway Cabs, Inc., Omaha, seeking to adjust its rates and charges: A video hearing was scheduled for December 16, 2004, at 10:00 a.m. in the Commission Library, Lincoln, and the Nebraska State Office Building, Room 207, Second Floor, 1313 Farnam Street, Omaha. Commissioner Boyle will preside as Hearing Officer.

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Household Goods Tariff 7-F: The fuel surcharge was decreased to 36 cents per mile and the taxi surcharge retained at 45 cents per trip.

GRAIN WAREHOUSE DEPARTMENT

John Fecht informed the Commission that there are two grain warehouse licenses that have not been issued due to background checks.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

GW-2093 John Fecht discussed the shortage of soybeans at Sherman, Inc. dba Sherman Feed & Supply, Auburn.

Grain Dealer Division

GD-93 In the Matter of The Keene Cooperative Grain and Supply Company, Axtell, seeking a Grain Dealer License, subject to the fulfillment of all statutory requirements, for the license period ending June 30, 2005. Security in the amount of \$35,000.00 has been filed: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

The following grain dealers have not filed a financial statement:

GD-2675 G B B Grain Co., Norfolk
GD-2732 Norfolk Grain Inc., Norfolk

GW-2107 In the Matter of Union Insurance Company, seeking cancellation of its Continuous Grain Dealer Bond No. 249 61 68 in the amount of \$35,000.00, issued on behalf of Mathiesen Grain Company, Blair: The bond was cancelled effective October 21, 2004.

GENERAL ADMINISTRATION

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to approve the following invoices. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

HHS - Finance & Support	\$ 1,661.66
Ted Burkey	1,352.50
Kelly Services	599.38
Laura Demman	787.96
Anne Boyle	120.00
Frank Landis	177.94
Gerald Vap	646.91

Motion made by Commissioner Rod Johnson, seconded by Commissioner Lowell Johnson, to set the mileage reimbursement rate for field staff using personal vehicles at \$0.31. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to purchase a new server, peripheral hardware, and requisite software and licenses, as well as a new computer. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to approve a deficit request for E-911. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to go into closed session to discuss personnel matters. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE. The Commission went into closed session at 10:50 a.m.

Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to return to open session. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE. The Commission returned to open session at 10:55 a.m.

Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to approve implementation of a salary plan, as revised. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, and Jerry Vap voting AYE.

The meeting adjourned at 10:58 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on Tuesday, November 9, 2004, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on November 8, 2004.

Chairman

Executive Director